

Remarks

Claims 10-33 are now pending in the application by virtue of a Request for Continued Examination (RCE) filed herewith. Claims 1-5 and 7-9 are now cancelled. Claim 6 was previously cancelled in the Amendment filed on June 3, 2004.

Applicant's claim 10 is directed to an extension device for an automotive vehicle of the specific type specified in the preamble to claim 1. Thus, the language of the preamble referring to the vehicle type sets the environment for the invention. More specifically, the automotive vehicle comprises a forward vehicle section 2, see Figure 1 of the pending application, supporting a prime mover and being provided with front wheels 5 and a first articulation member, and a rear, load-carrying vehicle section 3 being provided with rear wheels 6, 7 and a second articulation member, wherein the first and second articulation members are adapted to fit to each other.

The extension device is adapted for insertion between the forward and rear vehicle sections in the longitudinal direction of the vehicle for extending a length of the vehicle.

Turning now to Fontaine (U.S. 3,606,384), it discloses "A slide mount for fifth wheels having a base frame mounted on the tractor and a slide mounted on the base frame which carries the

fifth wheel", see col. 1, lines 12-14. The vehicle carrying the fifth wheel is a conventional truck, see Figure 1. The truck shown in Figure 1 differs from the type of vehicle that the claimed extension device is designed for. More specifically, the truck does not comprise a forward vehicle section with a prime mover (engine), front wheels and a first articulation member and a rear, load-carrying vehicle section with rear wheels and a second articulation member, wherein the first and second articulation members are adapted to fit to each other. Instead, the truck shown in Figure 1 of Fontaine comprises only one vehicle section comprising a prime mover, front and rear wheels. Since there is only one vehicle section, there are no articulation members in Fontaine for interfitting of the first and second vehicle section.

Further, the slide 12 is arranged on top of the vehicle frame 11, see Figure 1 in Fontaine. Thus, the slide does not form an extension device extending the length of the vehicle in its longitudinal direction.

According to applicant's claim 10, the framework has a "front end section adapted to be connected to the forward vehicle section and a rear end section adapted to be connected to the rear vehicle section".

Turning now to the Final Office Action, on page 2, the Examiner alleges that the front end section in Fontaine's slide is the left side in Figure 2 and that the rear end section is the right side in Figure 2. This is not correct because the frame rails 11 extend in the longitudinal direction of the truck. See Figure 1 and Figure 4. The rails 16, 17 are secured to the frame rails and likewise extend in the longitudinal direction of the vehicle. See Figure 4 and Figure 1. Therefore, the left side of Figure 2 is the left side of the vehicle and the right side of Figure 2 is the right side of the vehicle. Further, since the truck in Figure 1 does not comprise a forward vehicle section and rear vehicle section with regard to the definitions above, the end sections of the slide does not have any structure for connection to these vehicle sections.

Further, according to applicant's newly presented claim 10, at least one of said end sections of the extension device "is provided with a third articulation member intended for connection with one of said first or second articulation members for forming an articulation joint so as to allow pivoting of said vehicle sections in relation to each other about the longitudinal direction of said vehicle". This wording implies some structure for the third articulation member in order to perform the function of forming

part of an articulation joint between the two vehicle sections. With respect to Fontaine, there are no vehicle sections that can pivot in relation to each other about the longitudinal direction of the truck. Consequently, the slide of Fontaine has no articulation member adapted for connection to an articulation member of one of the vehicle sections that can form an articulation joint allowing said relative pivoting.

Thus, it is submitted that the extension device defined in applicant's claim 10 is structurally and functionally distinct from the fifth wheel slide of Fontaine and that the device has an inventive step.

New claims 12-20 are dependent claims depending from independent claim 10.

New claims 21 and 22 are additional independent claims directed to the extension device.

New claim 23 is a newly presented independent claim directed to the automotive vehicle.

New claims 24-33 are dependent claims depending from newly presented independent claim 23.

It is respectfully submitted that none of the references, taken either singly or in combination, teach or suggest applicant's invention as now claimed, nor would such be obvious without

impermissible hindsight provided by applicant's own disclosure. Accordingly, claims 10-33 are deemed to be in condition for allowance. Further and favorable action is, therefore, requested.

Conclusion

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a one (1) month extension of time for filing a reply in connection with the present application, and the required fee of \$120.00 is attached hereto.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact William L. Gates (Reg. No. 20,848) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Appl. No. 10/088,584
Attorney Docket No. 1807-0160P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Terrell C. Birch, Reg. No. 19,382

^{9/2/15}
TCB/WLG/mpe
1807-0160P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachment(s)